

IN THE U.S. BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In the Matter Of:

EVELYN GUZMAN VELEZ

Debtor

Case No. 11-02331 SEK

Chapter 13

**OBJECTION TO THE CONFIRMATION OF THE PROPOSED PLAN**

**TO THE HONORABLE COURT:**

COMES NOW creditor BANCO POULAR DE PUERTO RICO represented by the undersigned attorney, and to this Honorable Court very respectfully states and prays:

1. On March 21, 2011, debtors filed a bankruptcy petition under Chapter 13 of Title 11 (U.S.C. §101, *et seq.*).
2. Banco Popular is a secured creditor of the above named debtors pursuant to 11 U.S.C. §101(10), and therefore a party in interest under the instant bankruptcy proceeding.
3. On April 7, 2011 Banco Popular filed Claim No. 2 resulting from an overdraft in debtors' reserve account guaranteed with debtors' savings.
4. Debtors' proposed plan dated March 21, 2011 fails to provide for the surrender of the savings, thus failing to comply with §1325 (a)(5)(B)(ii) of the Bankruptcy Code.

*Opposition to Confirmation of Chapter 13 Plan*

By: Banco Popular de Puerto Rico

Case No. 11-02331 SEK

April 21, 2011

Page No. 2

5. Banco Popular de Puerto Rico opposes the confirmation of the proposed Chapter 13 plan inasmuch as the plan does not provide for movant herein to receive in value, as of the effective date of the plan, the allotted amount of its secured claim.

WHEREFORE, secured creditor Banco Popular de Puerto Rico respectfully requests that the confirmation of the proposed plan be denied for the reasons outlined in the foregoing motion.

NOTICE IS HEREBY GIVEN THAT IF NO WRITTEN REPLY OR OPPOSITION IS FILED AND SERVED WITHIN TWENTY-ONE (21) DAYS FROM THE DAY OF SERVICE HEREOF, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT HEREIN PURSUANT TO BANKRUPTCY LOCAL RULE 9013 (a).

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: ROBERTO FIGUEROA CARRASQUILLO, Attorney for Debtor and to ALEJANDRO OLIVERAS RIVERA, Chapter 13 Trustee.

Respectfully submitted in San Juan, Puerto Rico, this 21<sup>st</sup> day of April, 2011.

/s/VERONICA DURAN-CASTILLO, ESQ.  
U.S.D.C. # 224413  
Attorney for Banco Popular de Puerto Rico  
Consumer Bankruptcy Department  
P.O. Box 366818  
San Juan, Puerto Rico 00936-6818  
Tel: (787) 753-7849 Fax: (787) 751-7827  
Email: [vduran@bppr.com](mailto:vduran@bppr.com)